



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,830	11/14/2003	Junichi Ogikubo	450100-04816	2574
7590 05/11/2010				
William S. Frommer, Esq. FROMMER LAWRENCE & HAUG LLP 745 Fifth Avenue New York, NY 10151				
EXAMINER				
SCHNURR, JOHN R				
ART UNIT		PAPER NUMBER		
2421				
MAIL DATE		DELIVERY MODE		
05/11/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,830

Applicant(s)

OGIKUBO, JUNICHI

Examiner

JOHN SCHNURR

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-10, 13-20, 23-25, 28-31, 34-37, 40-44, 47-49, 52-55, 58-62, 64, 65, 68-72, 74 and 75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-840)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1,4-10,13-20,23-25,28-31,34-37,40-44,47-49,52-55,58-62,64,65,68-72,74 and 75.

DETAILED ACTION

1. This Office Action is in response to the Amendment After Non-Final Rejection filed 02/19/2010. Claims 1, 4-10, 13-20, 23-25, 28-31, 34-37, 40-44, 47-49, 52-55, 58-62, 64, 65, 68-72, 74 and 75 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 02/19/2010 have been fully considered but they are not persuasive.

In response to applicant's arguments that the combination of Wang (US 2002/019150) and Amir (US 6,760,536) does not disclose the limitations of the amended independent claims, the examiner respectfully disagrees. Wang discloses a system for combining video data with information limiting the playback of the video data. This information includes a recommended reproduction speed of the video data ([0028]). The combined data is transmitted to a playback device ([0073]). Amir discloses playback limitation information can include frame selection rate information which limits the reproduction speed of the video data. The reproduction speed is altered by varying the number of frames selected for display. The larger the number of frames skipped the "faster" the reproduction speed and reproduction speed is "slowed" by selecting more frames to display (col. 3 lines 57-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-8, 10, 14-17, 19, 20, 24, 25, 29-31, 35-37, 41-43, 55, 59-62, 64, 65, 69-72, 74 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US 2002/0191950) in view of Amir et al. (US 6,760,536), herein Amir.

Consider claim 1, Wang clearly teaches a data processing apparatus comprising:

a combining device for combining main data including at least one of audio data and image data exhibiting a reference frame rate FR_r , with associated information indicating limitation information for limiting reproduction speed of a predetermined content of said main data, and said associated, information further including recommended data representing a recommended reproduction speed at which a reproduction device is set to reproduce a predetermined content of said main data, said recommended reproduction speed being within said predetermined range, which cannot be overridden by the user, when reproducing the predetermined content of said main data; **(Fig. 6: Video plus content classification signal creation device 220 combines the audio and video data with a classification signal, which limits the reproduction speed of the video signal, to a recommended reproduction speed, and cannot be overridden by the user, [0028] and [0073]. Video data inherently exhibits a frame rate.)**

a transmitting device for transmitting said main data combined with said associated information. **(Fig. 6: The combined signal is transmitted over bus 222a, [0073].)**

However, Wang does not explicitly teach the associated information including a set frame rate (FR_s) representing a reproduction speed for said main data, $FR_s = nFR_r$ (n is an integer or a fraction) the limitation information limiting the reproduction speed of the predetermined content to a maximum speed less than a fast reproduction speed selectable by the user, said user-selectable fast reproduction speed being produced by skipping selected frames of said main data as a function of FR_s , and said user-selectable reproduction speed being a slow speed produced by repeating selected frames of said main data as a function of FR_s .

In an analogous art, Amir, which discloses a system for fast playback of video data, clearly teaches applying different frame selection rates to a video based on scene classification (e.g. commercials) thus limiting the reproduction speed of the

predetermined content to a maximum speed less than a fast reproduction speed selectable by the user, and varying the reproduction speed by skipping selected frames of said main data as a function of FR_s , and said user-selectable reproduction speed being a slow speed produced by repeating selected frames of said main data as a function of FR_s . **(Playback limitation information includes frame selection rate information limiting the fast reproduction of the video data to a predetermined reproduction speed. Reproduction speed is changed by displaying fewer frames to increase playback speed and displaying more frames to increase playback speed. col. 6 line 34 to col. 7 line 5 and col. 4 line 53 to col. 5 line 26)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang by limiting the reproduction speed of the predetermined content to a maximum speed less than a fast reproduction speed selectable by the user, as taught by Amir, for the benefit of more easily processing and analyzing digital video data.

Consider **claim 5**, Wang combined with Amir clearly teaches said limitation information includes information for maintaining quality of said predetermined content of the main data when reproducing the main data. **(The content classification signal prevents the user from fast forwarding the video, [0028] Wang. Fast forwarding will degrade the quality of the video.)**

Consider **claim 6**, Wang combined with Amir clearly teaches said transmitting device transmits said main data combined with said associated information through a communication path. **(Fig. 6: The video and classification signals are transmitted via bus 222a, [0073] Wang.)**

Consider **claim 7**, Wang combined with Amir clearly teaches said transmitting device allows recording said main data combined with said associated information on recording medium. **(Fig. 6: Video recording and playback device 226 records the signal, [0071] and [0022] Wang.)**

Consider **claim 8**, Wang combined with Amir clearly teaches an adjuster for adjusting a frame rate of said main data. **(If the user is fast forwarding through the video content the frame rate will be adjusted when a portion of the content is reached in which fast forwarding is prevented, [0030] Wang.)**

Consider **claim 10**, see claim 1.
Consider **claim 14**, see claim 5.
Consider **claim 15**, see claim 6.
Consider **claim 16**, see claim 7.
Consider **claim 17**, see claim 8.

Consider **claim 19**, see claim 1.

Consider **claim 20**, see claim 1.
Consider **claim 24**, see claim 5.

Consider **claim 25**, see claim 1.
Consider **claim 29**, see claim 5.

Consider **claim 30**, see claim 1.

Consider **claim 31**, see claim 1. Wang further teaches a correcting device for correcting said associated information on said main data when said determining device determines that said indication information indicates said limitation information. **(Fig. 8c: The manual content classification device reviews and modifies the content classification signal, [0083].)**

Consider **claim 35**, see claim 5.

Consider **claim 36**, Wang combined with Amir clearly teaches said indication information is provided from a user. **(Fig. 8c: The manual content classification device is operated by users, [0084] Wang.)**

Consider **claim 37**, see claim 31.
Consider **claim 41**, see claim 5.
Consider **claim 42**, see claim 36.

Consider **claim 43**, see claim 31.

Consider **claim 55**, see claim 1.
Consider **claim 59**, see claim 5.

Consider **claim 60**, Wang combined with Amir clearly teaches said reproducing device reproduces said main data according a condition set beforehand when said main data is not combined with said associated information. **(Fig. 8A: The reproduction of the video data is based on the classification signal. The classification signal is created by classification device 402 using conditions set before the video and classification signals are combined, [0078] Wang.)**

Consider **claim 61**, see claim 8.

Consider **claim 62**, Wang combined Amir clearly teaches said adjusting device adjusts a frame rate of said main data when reproducing the predetermined content of said main data to a reproduction speed of said audio data and image

data indicated by said associated information. **(If the user is fast forwarding through the video content the frame rate will be adjusted when a portion of the content is reached in which fast forwarding is prevented, [0030] Wang.)**

Consider **claim 64**, Wang combined with Amir clearly teaches said adjusting device adjusts a frame rate of said main data when reproducing the predetermined content of said main data to the recommended reproduction speed of said audio data and image data indicated by said associated information. **(If the user is fast forwarding through the video content the frame rate will be adjusted when a portion of the content is reached in which fast forwarding is prevented, [0030] Wang.)**

Consider **claim 65**, see claim 1.
Consider **claim 69**, see claim 5.
Consider **claim 70**, see claim 60.
Consider **claim 71**, see claim 8.
Consider **claim 72**, see claim 62.
Consider **claim 74**, see claim 64.

Consider **claim 75**, see claim 1.

5. Claims **4, 13, 23, 28, 34, 40, 58 and 68** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang (US 2002/0191950)** in view of **Amir et al. (US 6,760,536)** further in view of **Nakamura et al. (US 7,013,477)**, herein Nakamura.

Consider **claims 4, 13, 23, 28, 34, 40, 58 and 68**, Wang combined with Amir clearly teaches a data processing apparatus providing limitation information for main data.

However, Wang combined with Amir does not explicitly teach said limitation information includes information for limiting a display size of image when reproducing the main data.

In an analogous art, Nakamura, which discloses a system for receiving broadcast video information, clearly teaches limitation information includes information for limiting a display size of image when reproducing the main data. **(When a commercial is being reproduced the size of the display is set so that a highlight scene may be displayed at the same time, column 34 line 42 to column 35 line 40.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang combined with

Amir by including information limiting the size of the display, as taught by Nakamura, for the benefit of preventing a viewer from losing interest in a program during a commercial (column 5 lines 25-32 Nakamura).

6. Claims **9, 18, 44, 48, 49, 53 and 54** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang (US 2002/0191950)** in view of **Amir et al. (US 6,760,536)** further in view of **Nagashima et al. (US 6,434,746)**, herein Nagashima.

Consider **claims 9 and 18**, Wang combined with Amir clearly teaches a data processing apparatus providing limitation information for main data.

However, Wang combined with Amir does not explicitly teach said adjuster adjusts the frame rate of said main data transmitted from said transmitting device by storing said main data temporarily on a storage medium and controlling read-out of said main data from said storage medium according to a bandwidth of said communication path referring to said limitation information.

In an analogous art, Nagashima, which discloses a system for receiving video information, clearly teaches an adjuster adjusts the frame rate of said main data transmitted from said transmitting device by storing said main data temporarily on a storage medium and controlling read-out of said main data from said storage medium according to a bandwidth of said communication path referring to said limitation information. **(The system monitors the traffic on the network and provides a lower frame rate if the traffic is heavy, column 8 lines 35-65.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang combined with Amir by including an adjuster adjusting the frame rate of said main data transmitted from said transmitting device by storing said main data temporarily on a storage medium and controlling read-out of said main data from said storage medium according to a bandwidth of said communication path referring to said limitation information, as taught by Nagashima, for the benefit of transmitting the best quality video the network can provide (column 5 lines 1-7 Nagashima).

Consider **claim 44**, see claim 1.

However, Wang combined with Amir does not explicitly teach an editing device for editing main data including at least one of audio data and image data.

In an analogous art, Nagashima, which discloses a system for receiving video information, clearly teaches an editing device for editing main data including at

least one of audio data and image data. **(The video is edited depending on the congestion of the network, column 8 lines 35-65.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang combined with Amir by utilizing an editing device for editing main data including at least one of audio data and image data, as taught by Nagashima, for the benefit of transmitting the best quality video the network can provide (column 5 lines 1-7 Nagashima).

Consider **claim 48**, see claim 5.

Consider **claim 49**, see claim 44.

Consider **claim 53**, see claim 5.

Consider **claim 54**, see claim 44.

7. Claims **47 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang (US 2002/0191950)** in view of **Amir et al. (US 6,760,536)** in view of **Nagashima et al. (US 6,434,746)**, as applied to claims 44 and 49 above, and further in view of **Nakamura et al. (US 7,013,477)**.

Consider **claims 47 and 52**, Wang combined with Amir and Nagashima, as applied to claims 44 and 49, clearly teaches a data processing apparatus using limitation information.

However, Wang combined with Amir and Nagashima, as applied to claims 44 and 49, does not explicitly teach said limitation information includes information for limiting a display size of image when reproducing the main data.

In an analogous art, Nakamura, which discloses a system for receiving broadcast video information, clearly teaches limitation information includes information for limiting a display size of image when reproducing the main data. **(When a commercial is being reproduced the size of the display is set so that a highlight scene may be displayed at the same time, column 34 line 42 to column 35 line 40.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang combined with Amir and Nagashima, as applied to claims 44 and 49, by including information limiting the size of the display, as taught by Nakamura, for the benefit of

preventing a viewer from losing interest in a program during a commercial (column 5 lines 25-32 Nakamura).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JOHN SCHNURR** whose telephone number is (571)270-1458. The examiner can normally be reached on M-F 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

JRS